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AN ACT

FOR

ESTABLISHING RULES AND ARTICLES

FOR

GOVERNMENT OF THE ARMIES

OF THE

UNITED STATES.

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1812.

AN ACT

For establishing Rules and Articles for the Government of the Armies of the United States.

Sec. 1 *BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passing of this act, the following shall be the rules and articles by which the armies of the United States shall be governed:

ART. 1. Every officer now in the army of the United States, shall, in six months from the passing of this act, and every officer who shall hereafter be appointed, shall, before he enters on the duties of his office, subscribe these rules and regulations.

ART 2. It is earnestly recommended to all officers and soldiers diligently

o attend divine ſervice ; and all officers who ſhall behave indecently, or irreverently at any place of divine worſhip, ſhall, if commiſſioned officers, be brought before a general court martial, there to be publicly and ſeverely reprimanded by the Preſident ; if non commiſſioned officers or ſoldiers, every perſon ſo offending ſhall, for his firſt offence, forfeit *one ſixth of a dollar* to be deducted out of his next pay ; for the ſecond offence, he ſhall not only forfeit a like ſum, but be confined twenty four hours, and for every like offence ſhall ſuffer and pay in like manner ; which money, ſo forfeited, ſhall be applied by the captain or ſenior officer of the troop or company, to the uſe of the ſick ſoldiers of the company or troop to which the offender belongs.

ART. 3. Any non commiſſioned officer or ſoldier who ſhall uſe any profane oath or execration ſhall incur the penalties expreſſed in the foregoing article ; and a commiſſioned officer ſhall forfeit and pay for each and every ſuch

offence one dollar, to be applied as in the preceding article.

ART. 4. Every chaplain commissioned in the army or armies of the United States, who shall absent himself from the duties assigned him (except in cases of sickness or leave of absence) shall, on conviction thereof before a court martial, be fined not exceeding one month's pay, besides the loss of his pay during his absence; or be discharged, as the said court martial shall judge proper.

ART. 5. Any officer or soldier who shall use contemptuous or disrespectful words against the President of the United States, against the Vice President thereof, against the Congress of the United States, or against the chief magistrate or legislature of any of the United States in which he may be quartered, if a commissioned officer, shall be cashiered, or otherwise punished as a court martial shall direct; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be in-

flicted on him by the ſentence of a court martial.

ART. 6. Any officer or ſoldier who ſhall behave himſelf with contempt or diſreſpect towards his commanding officer, ſhall be puniſhed according to the nature of his offence, by the judgment of a court martial

ART 7. Any officer or ſoldier who ſhall begin, excite, cauſe, or join in any mutiny or ſedition in any troop or company in the ſervice of the United States, or in any party, poſt, detachment, or guard ſhall ſuffer death, or ſuch other puniſhment as by a court martial ſhall be inflicted,

ART 8 Any officer, non commiſſioned officer, or ſoldier, who, being preſent at any mutiny or ſedition, does not uſe his utmoſt endeavor to ſuppreſs the ſame, or coming to the knowledge of any intended mutiny, does not without delay, give information thereof to his commanding officer, ſhall be puniſhed by the ſentence of a court martial

with death or otherwiſe, according to the nature of his offence.

ART 9. Any officer or ſoldier who ſhall ſtrike his ſuperior officer, or draw or lift up any weapon, or offer any violence againſt him, being in the execution of his office, on any pretence whatſoever, or ſhall disobey any lawful command of his ſuperior officer, ſhall ſuffer death, or ſuch other puniſhment as ſhall, according to the nature of his offence be inflicted upon him by the ſentence of a court martial.

ART 10 Every non commiſſioned officer, or ſoldier, who ſhall enliſt himſelf in the ſervice of the United States, ſhall at the time of his so enliſting, or within ſix days afterwards, have the articles for the government of the armies of the United States, read to him, and ſhall, by the officer who enliſted him, or by the commanding officer of the troop or company into which he was enliſted, be taken before the next juſtice of the peace, or chief magiſtrate of any city or town corporate, not being an of-

ficer of the army, or where recourſe cannot be had to the civil magiſtrate, before the judge advocate, and in his preſence, ſhall take the following oath or affirmation: "I, A B do ſolemnly ſwear (or affirm, as the caſe may be) that I will bear true allegiance to the United States of America, and that I will ſerve them honeſtly and faithfully againſt all their enemies, or oppoſers whatſoever, and obſerve and obey the orders of the Preſident of the United States and the orders of the officers appointed over me, according to the rules and articles for the government of the armies of the United States." Which judge magiſtrate, or judge advocate ſhall certify under his hand to the moſt expeditious way of tranſmitting the ſame to the ſecretary of the department.

And as ſome commiſſioned officers, that have been very expert in the duties of their reſpective offices, may be diſcharged from ſervice, or die, or be promoted, it is neceſſary that no more ſhould be required of them than be ſufficient, which is not

ſigned by a field officer of the regiment to which he belongs, or commanding officer, where no field officer of the regiment is preſent; and no diſcharge ſhall be given to a non commiſſioned officer or ſoldier, before his term of ſervice has expired, but by order of the Preſident, the Secretary of War, the commanding officer of a department, or the ſentence of a general court martial; nor ſhall a commiſſioned officer be diſcharged the ſervice, but by order of the Preſident of the United States, or by ſentence of a general court martial.

ART. 12. Every colonel, or other officer commanding a regiment, troop, or company, and actually quartered with it, may give furloughs to non commiſſioned officers or ſoldiers, in ſuch numbers, and for ſo long a time as he ſhall judge to be moſt conſiſtent with the good of the ſervice; and a captain or other inferior officer commanding a troop or company, or in any garriſon, fort or barrack of the United States, (his field officer being abſent,) may give

ſurloughs to non commiſſioned officers or ſoldiers, for a time not exceeding twenty days in ſix months, but not to more than two perſons to be abſent at the ſame time, excepting ſome extraordinary occaſion ſhould require it.

ART. 13 At every muſter, the commanding officer of each regiment, troop or company there preſent, ſhall give to the commiſſary of muſters, or other officer who muſters the ſaid regiment, troop or company, certificates ſigned by himſelf, ſignifying how long ſuch officers, as ſhall not appear at the ſaid muſter, have been abſent, and the reaſon of their abſence. In like manner, the commanding officer of every troop, or company, ſhall give certificates, ſignifying the reaſons of the abſence of the non commiſſioned officers and private ſoldiers, which reaſons, and time of abſence, ſhall be inſerted in the muſter-rolls oppoſite the name of the reſpective abſent officers and ſoldiers The certificates ſhall, together with the muſter-rolls, be remitted by the commiſſary of

muſters, or other officer muſtering, to the department of war as ſpeedily as the diſtance of the place will admit

ART. 14. Every officer who ſhall be convicted, before a general court martial, of having ſigned a falſe certificate, relating to the abſence of either officer or private ſoldier, or relative to his or their pay, ſhall be caſhiered.

ART. 15 Every officer who ſhall knowingly make a falſe muſter of man or horſe, and every officer or commiſſary of muſters, who ſhall willingly ſign, direct or allow the ſigning of muſter-rolls, wherein ſuch falſe muſter is contained, ſhall, upon proof made thereof by two witneſſes, before a general court martial, be caſhiered, and ſhall be thereby utterly disabled to have or hold any office or employment in the ſervice of the United States.

ART. 16 Any commiſſary of muſters or other officer, who ſhall be convicted of having taken money or other thing, by way of gratification, on the muſtering any regiment, troop or com-

pany, or on the ſigning muſter-rolls, ſhall be diſplaced from his office, and ſhall be thereby utterly diſabled to have or hold any office or employment in the ſervice of the United States.

ART 17 Any officer who ſhall preſume to muſter a perſon as a ſoldier, who is not a ſoldier, ſhall be deemed guilty of having made a falſe muſter, and ſhall ſuffer accordingly.

ART 18 Every officer who ſhall knowingly make a falſe return to the Department of War, or to any of his ſuperior officers, authoriſed to call for ſuch returns, of the ſtate of the regiment, troop, or company, or garriſon, under his command; or of the arms, ammunition, clothing, or other ſtores thereunto belonging, ſhall, on conviction thereof before a court martial, be caſhiered.

ART 19. The commanding officer of every regiment, troop, or independent company, or garriſon of the United States, ſhall, in the beginning of every month, remit through the proper chan-

nels, to the Department of War, an exact return of the regiment, troop, independent company, or garrison, under his command, ſpecifying the names of officers then abſent from their poſts, and the reaſons for, and the time of their abſence. And any officer who ſhall be convicted of having, through neglect or deſign, omitted ſending ſuch returns, ſhall be puniſhed according to the nature of his crime, by the judgment of a general court martial.

ART. 20. All officers and ſoldiers, who have received pay, or have been duly enliſted in the ſervice of the United States, and ſhall be convicted of having deſerted the ſame, ſhall ſuffer death, or ſuch other puniſhment as by ſentence of a court martial ſhall be inflicted.

ART. 21. Any non commiſſioned officer or ſoldier, who ſhall without leave from his commanding officer, abſent himſelf from his troop company, or detachment, ſhall upon being convicted thereof, be puniſhed according to

the nature of his offence, at the discretion of a court martial

ART 22. No non commissioned officer or soldier, shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company, in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps in which he last served, the said officer shall by a court martial be cashiered.

ART. 23 Any officer or soldier, who shall be convicted of having advised or persuaded any other officer or soldier, to desert the service of the United States, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court martial.

ART. 24 No officer or soldier shall use any reproachful or provoking

ſpeeches or geſtures to another, upon pain, if an officer, of being put in arreſt; if a ſoldier, confined, and of asking pardon of the party offended, in the preſence of his commanding officer.

ART. 25. No officer or ſoldier ſhall ſend a challenge to another officer or ſoldier, to fight a duel, or accept a challenge, if ſent, upon pain, if a commiſſioned officer, of being caſhiered; if a non commiſſioned officer or ſoldier, of ſuffering corporal puniſhment at the diſcretion of a court martial

ART 26. If any commiſſioned or non commiſſioned officer commanding a guard, ſhall knowingly or willingly ſuffer any perſon whatſoever to go forth to fight a duel, he ſhall be puniſhed as a challenger; and all ſeconds, promoters and carriers of challenges, in order to duels, ſhall be deemed principals, and be puniſhed accordingly. And it ſhall be the duty of every officer, commanding an army, regiment, company, poſt or detachment, who is knowing to a challenge being given, or accepted, by

any officer, non commiſſioned officer, or ſoldier, under his command or has reaſon to believe the ſame, to be the caſe, immediately to arreſt and bring to trial ſuch offenders.

ART. 27. All officers, of what condition ſoever, have power to part and quell all quarrels, frays, and diſorders, though the perſons concerned ſhould belong to another regiment, troop, or company; and either to order officers into arreſt, or non commiſſioned officers or ſoldiers into confinement, until their proper ſuperior officers ſhall be acquainted therewith, and whoſoever ſhall refuſe to obey ſuch officer (though of an inferior rank) or ſhall draw his ſword upon him, ſhall be puniſhed at the diſcretion of a general court martial.

ART. 28. Any officer or ſoldier, who ſhall upbraid another for refuſing a challenge, ſhall himſelf be puniſhed as a challenger, and all officers and ſoldiers are hereby diſcharged from any diſgrace or opinion of diſadvan-

ſage, which might ariſe from their having refuſed to accept of challenges, as they will only have acted in obedience to the laws, and done their duty as good ſoldiers, who ſubject themſelves to diſcipline.

ART. 29. No ſuttler ſhall be permitted to ſell any kind of liquors or victuals, or to keep their houſes or ſhops open for the entertainment of ſoldiers, after nine at night, or before the beating of the reveilles, or upon Sundays, during divine ſervice or ſermon, on the penalty of being diſmiſſed from all future ſuttling.

ART 30. All officers commanding in the field, forts, barracks, or garriſons of the United States, are hereby required to ſee that the perſons permitted to ſuttle, ſhall ſupply the ſoldiers with good and wholeſome proviſions, or other articles, at a reaſonable price, as they ſhall be anſwerable for their neglect.

ART 31. No officer commanding in any of the garriſons, forts or barracks

of the United States, shall exact exorbitant prices for houſes or ſtalls let out to ſuttlers, or connive at the like exactions in others; nor by his own authority, and for his private advantage, lay any duty or impoſition upon, or be intereſted in the ſale of any victuals, liquors, or other neceſſaries of life, brought into the garriſon, fort or barracks, for the uſe of the ſoldiers, on the penalty of being diſcharged from the ſervice.

ART 32 Every officer commanding in quarters, garriſons, or on the march, ſhall keep good order, and to the utmoſt of his power, redreſs all abuſes or diſorders, which may be committed by any officer or ſoldier under his command, if upon complaint made to him of officers or ſoldiers beating, or otherwiſe ill treating any perſon, of diſturbing fairs or markets, or of committing any kinds of riots, to the diſquieting of the citizens of the United States, he, the ſaid commander, who ſhall refuſe or neglect to see juſtice done to the of-

fender or offenders, and reparation made to the party or parties injured, as far as part of the offender's pay ſhall enable him or them, ſhall, upon proof thereof, be caſhiered or puniſhed, as a general court martial ſhall direct.

ART 33. When any commiſſioned officer or ſoldier, ſhall be accuſed of a capital crime, or of having uſed violence, or committed any offence, againſt the perſons or property of any citizen of any of the United States, ſuch as is puniſhable by the known laws of the land, the commanding officer, and officers of every regiment, troop, or company, to which the perſon, or perſons, ſo accuſed, ſhall belong, are hereby required, upon application duly made by, or in behalf of the party or parties injured, to uſe their utmoſt endeavors to deliver over ſuch accuſed perſon, or perſons, to the civil magiſtrate, and likewiſe to be aiding and aſſiſting to the officers of juſtice in apprehending and ſecuring the perſon or perſons ſo accuſed, in order to bring

him or them to trial. If any commanding officer or officers, shall wilfully neglect, or shall refuse, upon the application aforesaid, to deliver over such accused person, or persons, to the civil magistrates, or to be aiding and assisting to the officers of justice in apprehending such person, or persons, the officer, or officers, so offending, shall be cashiered.

ART. 34. If any officer shall think himself wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application being made to him, be refused redress, he may complain to the general, commanding in the state or territory where such regiment shall be stationed, in order to obtain justice; who is hereby required to examine into the said complaint, and take proper measures for redressing the wrong complained of, and transmit as soon as possible, to the Department of War, a true state of such complaint, with the proceedings had thereon.

ART. 35 If any inferior officer or soldier, shall think himself wronged by

his captain, or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to ſummon a regimental court martial, for the doing juſtice to the complainant; from which regimental court martial, either party may, if he thinks himſelf ſtill aggrieved, appeal to a general court martial. But if, upon a ſecond hearing, the appeal ſhall appear vexatious and groundleſs, the perſon ſo appealing, ſhall be puniſhed at the diſcretion of the ſaid court martial

ART. 36. Any commiſſioned officer, ſtore keeper, or commiſſary, who ſhall be convicted at a general court martial, of having ſold, without a proper order for that purpoſe, embezzled, miſapplied, or wilfully, or through neglect, ſuffered any of the proviſions, forage, arms, clothing, ammunition, or other military ſtores, belonging to the United States, to be ſpoiled, or damaged, ſhall, at his own expence, make good the loſs or damage, and ſhall, moreover, forfeit all his pay, and be diſmiſſed from the ſervice.

ART. 37. Any non commiſſioned officer or ſoldier, who ſhall be convicted, at a regimental court martial, of having ſold, or deſignedly, or through neglect, waſted the ammunition delivered out to him, to be employed in the ſervice of the United States, ſhall be puniſhed at the diſcretion of ſuch court

ART 38 Every non commiſſioned officer or ſoldier, who ſhall be convicted before a court martial, as having ſold, loſt, or ſpoiled, through neglect, his horſe, arms clothes, or accoutrements, ſhall be put under ſuch weekly ſtoppages not exceeding the half of his pay as ſuch court martial ſhall judge ſufficient, for repairing the loſs or damage; and ſhall ſuffer confinement, or ſuch other corporal puniſhment as his crime ſhall deſerve.

ART 39 Every officer, who ſhall be convicted before a court martial of having embezzled, or miſapplied any money with which he may have been entruſted, for the payment of the men under his cammand, or for enliſting

men into the ſervice, or for other purpoſes, if a commiſſioned officer, ſhall be caſhiered, and compelled to refund the money; if a non commiſſioned officer, ſhall be reduced to the ranks, be put under ſtoppages until the money be made good, and ſuffer ſuch corporal puniſhment as ſuch court martial ſhall direct

ART. 40 Every captain of a troop, or company, is charged with the arms, accoutrements, ammunition, clothing, or other warlike ſtores belonging to the troop, or company under his command, which he is to be accountable for to his colonel, in caſe of their being loſt, ſpoiled, or damaged, not by unavoidable accidents, or on actual ſervice.

ART. 41. All non commiſſioned officers and ſoldiers, who ſhall be found one mile from the camp, without leave, in writing, from their commanding officer, ſhall ſuffer ſuch puniſhment as ſhall be inflicted upon them by the ſentence of a court martial.

ART. 42. No officer or ſoldier ſhall lie out of his quarters, garriſon, or camp, without leave from his ſuperior officer, upon penalty of being puniſhed according to the nature of his offence, by the ſentence of a court martial.

ART 43 Every non commiſſioned officer and ſoldier ſhall retire to his quarters or tent, at the beating of the retreat; in default of which he ſhall be punished according to the nature of his offence.

ART 44. No officer, non commiſſioned officer or ſoldier, ſhall fail in repairing, at the time fixed, to the place of parade, of exercise or other rendezvous, appointed by his commanding officer, if not prevented by ſickneſs, or ſome other evident neceſſity; or ſhall go from the ſaid place of rendezvous, without leave from his commanding officer, before he ſhall be regularly diſmiſſed or relieved, on the penalty of being punished according to the nature of his offence by the ſentence of a court martial.

ART. 45. Any commiſſioned officer, who ſhall be found drunk on his guard, party, or other duty, ſhall be caſhiered. And non commiſſioned officer or ſoldier ſo offending, ſhall ſuffer ſuch corporal puniſhment as ſhall be inflicted by the ſentence of a court martial.

ART. 46. Any centinel who ſhall be found ſleeping upon his poſt or ſhall leave it before he ſhall be regularly relieved, ſhall ſuffer death, or ſuch other puniſhment as ſhall be inflicted by the ſentence of a court martial.

ART. 47. No ſoldier belonging to any regiment, troop or company, ſhall hire another to do his duty for him, or be excuſed from duty, but in caſes of ſickneſs, diſability, or leave of abſence; and every ſuch ſoldier found guilty of hiring his duty, as alſo the party ſo hired to do another's duty, ſhall be puniſhed at the diſcretion of a regimental court martial.

ART. 48 And every non commiſſioned officer conniving at ſuch hiring of duty aforeſaid, ſhall be reduced; and

every commiſſioned officer, knowing and allowing ſuch ill practices in the ſervice, ſhall be puniſhed by the judgment of a general court martial.

ART. 49 Any officer belonging to the ſervice of the United States, who, by diſcharging of fire arms, drawing of ſwords, beating of drums, or by any other means whatſoever, ſhall occaſion falſe alarms in camp, garriſon, or quarters, ſhall ſuffer death, or ſuch other puniſhment as ſhall be ordered by the ſentence of a general court martial.

ART 50. Any officer or ſoldier, who ſhall, without urgent neceſſity, or without the leave of his ſuperior officer, quit his guard, platoon, or diviſion, ſhall be puniſhed according to the nature of his offence, by the ſentence of a court martial.

ART. 51 No officer or ſoldier ſhall do violence to any perſon, who brings proviſions or other neceſſaries to the camp garriſon or quarters, of the forces of the United States, employed in any parts out of the ſaid ſtates, upon pain

of death, or ſuch other puniſhment as a court martial ſhall direct.

ART. 52. Any officer or ſoldier, who ſhall misbehave himſelf before the enemy, run awa , or ſhametully abandon any fort, poſt, or guard, which he or they may be commanded to defend, or ſpeak words inducing others to do the like; or ſhall caſt away his arms and ammunition, or who ſhall quit his poſt or colors to plunder and pillage; every ſuch offender being duly convicted thereof, ſhall ſuffer death, or ſuch other puniſhment as ſhall be ordered by the ſentence of a general court martial.

ART. 53 Any perſon belonging to the armies of the United States, who ſhall make known the watch word to any perſon who is not entitled to receive it, according to the rules and diſcipline of war, or ſhall preſume to give a parole or watch word, different from what he received, ſhall ſuffer death, or ſuch other puniſhment as ſhall be ordered by the ſentence of a general court martial.

ART. 54 All officers and ſoldiers are to behave themſelves orderly in quarters, and on their march; and whoſoever ſhall commit any waſte, or ſpoil, either in walks of trees, parks, warrens, fiſh ponds, houſes, or gardens, cornfields, encloſures of meadows, or ſhall maliciouſly deſtroy any property whatſoever, belonging to the inhabitants of the United States, unleſs by order of the then commander in chief of the armies of the ſaid ſtates, ſhall (beſides ſuch penalties as they are liable to by law,) be puniſhed according to the nature and degree of the offence, by the judgment of a regimental or general court martial.

ART. 55 Whoſoever, belonging to the armies of the United States employed in foreign parts, ſhall force a ſafe guard, ſhall ſuffer death.

ART. 56 Whoſoever ſhall relieve the enemy with money, victuals, or ammunition, or ſhall knowingly harbor or protect an enemy, ſhall ſuffer death, or ſuch other puniſhment as ſhall be

ordered by the ſentence of a court martial.

ART. 57. Whoſoever ſhall be convicted of holding correſpondence with, or giving intelligence to the enemy, either directly or indirectly, ſhall ſuffer death, or ſuch other puniſhment as ſhall be ordered by the ſentence of a court martial.

ART. 58. All public ſtores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage, or proviſions, ſhall be ſecured for the ſervice of the United States; for the neglect of which the commanding officer is to be anſwerable.

ART. 59. If any commander of any garriſon, fortreſs or poſt, ſhall be compelled, by the officers and ſoldiers under his command, to give up to the enemy, or to abandon it; the commiſſioned officers, non commiſſioned officers, or ſoldiers, who ſhall be convicted of having ſo offended, ſhall ſuffer death, or ſuch other puniſhment as ſhall be in-

flicted upon them by the ſentence of a court martial.

ART. 60. All ſuttlers and retainers to the camp, and all perſons whatſoever, ſerving with the armies of the United States, in the field, though not enliſted ſoldiers, are to be ſubject to orders, according to the rules and diſcipline of war.

ART. 61 Officers having brevetts, or commiſſions, of a prior date to thoſe of the regiment in which they ſerve, may take place in courts martial and on detachments, when compoſed of different corps, according to the ranks given them in their brevetts, or dates, of their former commiſſions; but in the regiment, troop, or company, to which ſuch officers belong, they ſhall do duty, and take rank, both in courts martial and on detachments, which ſhall be compoſed only of their own corps, according to the commiſſions by which they are muſtered in the ſaid corps.

ART. 62. If upon marches, guards, or in quarters, different corps of the army shall happen to join, or do duty together, the officer highest in rank of the line of the army, marine corps, or militia, by commission there, on duty, or in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the President of the United States, according to the nature of the case.

ART. 63. The functions of the engineers being generally confined to the most elevated branch of military science, they are not to assume, nor are they subject to be ordered on any duty beyond the line of their immediate profession, except by the special order of the President of the United States; but they are to receive every mark of respect, to which their rank in the army may entitle them respectively, and are liable to be transferred, at the discretion of the President, from one corps to another, regard being paid to rank.

ART. 64. General courts martial may consist of any number of commissioned officers from five to thirteen inclusively, but they shall not consist of less than thirteen, where that number can be convened, without manifest injury to the service.

ART. 65. Any general officer commanding an army, or colonel commanding a separate department, may appoint general courts martial whenever necessary. But no sentence of a court martial shall be carried into execution until after the whole proceedings shall have been laid before the officer ordering the same, or the officer commanding the troops for the time being; neither shall any sentence of a general court martial, in time of peace, extending to the loss of life, or the dismission of a commissioned officer, or which shall, either in time of peace or war, respecting a general officer, be carried into execution, until after the whole proceedings shall have been transmitted to the Secretary of War, to be laid be-

fore the President of the United States, for his confirmation or disapproval and orders in the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer for the time being, as the case may be.

ART 66. Every officer commanding a regiment, or corps, may appoint, for his own regiment or corps, courts martial, to consist of three commissioned officers, for the trial and punishment of offences, not capital, and decide upon their sentences. For the same purpose all officers, commanding any of the garrisons, forts, barracks, or other places where the troops consist of different corps, may assemble courts martial, to consist of three commissioned officers, and decide upon their sentences.

ART. 67. No garrison or regimental court martial shall have the power to try capital cases, or commissioned officers; neither shall they inflict a fine exceeding one month's pay, nor imprison, nor put to hard labor, any non-

commiſſioned officer or ſoldier, for a longer time than one month.

ART 68. Whenever it may be found convenient and neceſſary to the public ſervice, the officers of the marine ſhall be aſſociated with the officers of the land forces, for the purpoſe of holding courts martial and trying offenders belonging to either; and in ſuch caſes the orders of the ſenior officers of either corps who may be preſent and duly authorized, ſhall be received and obeyed.

ART. 69. The judge advocate, or ſome perſon deputed by him, or by the general, or officer commanding, the army, detachment, or garriſon, ſhall proſecute in the name of the United States, but ſhall ſo far conſider himſelf as counſel for the priſoner, after the ſaid priſoner ſhall have made his plea, as to object to any leading queſtion to any of the witneſſes, or any queſtion to the priſoner, the anſwer to which might tend to criminate himſelf; and adminiſter to each member of the court, before they proceed upon any trial, the fol-

lowing oath, which shall also be taken by all members of the regimental and garrison courts martial.

"You, A. B. do swear, that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America and the prisoner to be tried, and that you will duly administer justice, according to the provisions of "An act establishing rules and articles for the government of the armies of the United States," without partiality, favor or affection; and if any doubt shall arise, not explained by said articles, according to your conscience, the best of your understanding, and the custom of war, in like cases; and you do further swear, that you will not divulge the sentence of the court until it shall be published by the proper authority; neither will you disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness, by a

court of juſtice, in a due courſe of law. *So help you God.*"

And as ſoon as the ſaid oath ſhall have been adminiſtered to the reſpective members, the preſident of the court ſhall adminiſter to the judge advocate, or perſon officiating as ſuch, an oath in the following words:

"You A. B. do ſwear, that you will not diſcloſe or diſcover the vote or opinion of any particular member of the court martial, unleſs required to give evidence thereof as a witneſs, by a court of juſtice, in due courſe of law. Nor divulge the ſentence of the court to any but the proper authority, until it ſhall be duly diſcloſed by the ſame. *So help you God.*"

Art. 70. When any priſoner arraigned before a general court martial ſhall, from obſtinate and deliberate deſign, ſtand mute or anſwer foreign to the purpoſe, the court ma proceed to trial and judgment as if the priſoner had regularly pleaded not guilty.

ART. 71. When a member ſhall be challenged by a priſoner, he muſt ſtate his cauſe of challenge, of which the court ſhall, after due deliberation, determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time ſhall be received by the court.

ART. 72. All the members of a court martial are to behave with decency and calmneſs; and in giving their votes, are to begin with the youngeſt in commiſſion.

ART. 73. All perſons who give evidence before a court martial, are to be examined on oath or affirmation in the following form:

"You ſwear, or affirm, (as the caſe may be) the evidence you ſhall give in the cauſe now in hearing, ſhall be the truth, the whole truth, and nothing but the truth. *So help you God.*"

ART. 74 On the trials of caſes not capital, before courts martial, the depoſition of witneſſes not in the line or ſtaff of the army, may be taken before

ſome juſtice of the peace, and read in evidence; provided, the proſecutor and perſon acculed are preſent at the taking the ſame, or are duly notified thereof.

ART. 75. No officer ſhall be tried but by a general court martial, nor by officers of an inferior rank, if it can be avoided. Nor ſhall any proceedings or trials be carried on excepting between the hours of eight in the morning and three in the afternoon, excepting in caſes which in the opinion of the officer appointing the court martial, require immediate example.

ART. 76. No perſon whatſoever ſhall uſe any menacing words, ſigns, or geſtures, in preſence of a court martial, or ſhall cauſe any diſorder or riot, or diſturb their proceedings, on the penalty of being puniſhed at the diſcretion of the ſaid court martial.

ART. 77 Whenever any officer ſhall be charged with a crime, he ſhall be arreſted and confined in his barracks, quarters, or tents, and deprived of his ſword, by the commanding officer.

And any officer who ſhall leave his confinement before he ſhall be ſet at liberty by his commanding officer, or by a ſuperior officer, ſhall be caſhiered.

ART. 78. Non-commiſſioned officers and ſoldiers, charged with crimes, ſhall be confined until tried by a court martial, or releaſed by proper authority.

ART. 79 No officer or ſoldier who ſhall be put in arreſt, ſhall continue in confinement more than eight days, or until ſuch time as a court martial can be aſſembled.

ART. 80. No officer commanding a guard, or provoſt martial, ſhall refuſe to receive or keep any priſoner committed to his charge by an officer belonging to the forces of the United States; provided the officer committing ſhall, at the ſame time, deliver an account in writing, ſigned by himſelf, of the crime with which the ſaid priſoner is charged.

ART 81. No officer commanding a guard, or provoſt martial, ſhall preſume to releaſe any perſon committed to his

charge, without proper authority for so doing, nor shall he suffer any person to escape, on the penalty of being punished for it by the sentence of a court martial.

ART 82. Every officer or provost marshal, to whose charge prisoners shall be committed, shall, within twenty four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing, to the commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of being punished for disobedience or neglect, at the discretion of a court martial.

ART. 83. Any commissioned officer convicted before a general court martial of conduct unbecoming an officer and a gentleman, shall be dismissed the service.

ART 84 In cases where a court martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power

alſo to ſuſpend his pay and emoluments from the ſame time, according to the nature and heinouſneſs of the offence.

ART. 85. In all caſes where a commiſſioned officer is caſhiered for cowardice or fraud, it ſhall be added in the ſentence, that the crime, name, and place of abode and puniſhment of the delinquent, be publiſhed in the newspapers, in and about the camp, and of the particular ſtate from which the offender came, or where he uſually reſides, after which it ſhall be deemed ſcandalous for an officer to aſſociate with him.

ART. 86. The commanding officer of any poſt or detachment, in which there ſhall not be a number of officers adequate to form a general court martial, ſhall, in caſes which require the cognizance of ſuch a court, report to the commanding officer of the department, who ſhall order a court to be aſſembled at the neareſt poſt or detachment, and the party accuſed, with neceſſary witneſſes, to be tranſported to

the place where the ſaid court ſhall be aſſembled.

ART. 87. No perſon ſhall be ſentenced to ſuffer death but by the concurrence of two thirds of a general court martial, nor except in the caſes herein expreſsly mentioned; nor ſhall more than fifty laſhes be inflicted on any offender, at the diſcretion of a court martial; and no officer, non commiſſioned officer, ſoldier, or follower of the army ſhall be tried a ſecond time for the ſame offence.

ART. 88. No perſon ſhall be liable to be tried and puniſhed by a general court martial for any offence which ſhall appear to have been committed more than two years before the iſſuing of the order for ſuch trial, unleſs the perſon, by reaſon of having abſented himſelf, or ſome other manifeſt impediment, ſhall not have been amenable to juſtice within that period.

ART. 89 Every officer authoriſed to order a general court martial ſhall have power to pardon or mitigate any puniſh-

ment ordered by such court, except the sentence of death, or of cashiering an officer; which, in the cases where he has authority (by article 65) to carry them into execution, he may suspend until the pleasure of the President of the United States can be known; which suspension, together with copies of the proceedings of the court martial, the said officer shall immediately transmit to the President for his determination. And the colonel or commanding officer of the regiment or garrison, where any regimental or garrison court martial shall be held, may pardon or mitigate any punishment ordered by such court to be inflicted.

ART. 90. Every judge advocate, or person officiating as such, at any general court martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court martial, to the Secretary of War, which said original proceedings and sentence shall be care-

fully kept and preſerved in the office of the ſaid Secretary, to the end that the perſons entitled thereto may be enabled, upon application to the ſaid office, to obtain copies thereof.

The party tried by any general court martial, ſhall, upon demand thereof made by himſelf, or by any perſon or perſons in his behalf, be entitled to a copy of the ſentence and proceedings of ſuch court martial.

ART 91. In caſes where the general or commanding officer may order a court of inquiry to examine into the nature of any tranſaction, acculation or imputation againſt any officer or ſoldier, the ſaid court ſhall conſiſt of one or more officers, not exceeding three, and a judge advocate, or other ſuitable perſon as a recorder, to reduce the proceedings and evidence to writing, all of whom ſhall be ſworn to the faithful performance of their duty. This court ſhall have the ſame power to ſummon witneſſes as a court martial, and to examine them on oath. But

they ſhall not give their opinion on the merits of the caſe, excepting they ſhall be thereto ſpecially required. The parties accuſed ſhall alſo be permitted to croſs examine, and interrogate the witneſſes, ſo as to inveſtigate fully the circumſtances in queſtion.

ART. 92. The proceedings of a court of inquiry muſt be authenticated by the ſignature of the recorder and the preſident, and delivered to the commanding officer; and the ſaid proceedings may be admitted as evidence by a court martial, in caſes not capital, or extending to the diſmiſſion of an officer, provided that the circumſtances are ſuch, that oral teſtimony cannot be obtained. But as courts of inquiry may be perverted to diſhonorable purpoſes, and may be conſidered as engines of deſtruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unleſs directed by the Preſident of the United States, or demanded by the accuſed.

ART. 93. The judge advocate, or recorder, ſhall adminiſter to the members the following oath:

"You ſhall well and truly examine and inquire according to your evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. *So help you God.*"

After which the preſident ſhall adminiſter to the judge advocate, or recorder, the following oath:

"You A. B. do ſwear, that you will, according to your beſt abilities, accurately and impartially record the proceedings of the court; and the evidence to be given in the cale in hearing. *So help you God*"

The witneſſes ſhall take the ſame oath as witneſſes ſworn before a court martial.

ART. 94. When any commiſſioned officer ſhall die, or be killed in the ſervice of the United States, the major of the regiment, or the officer doing the major's duty in his abſence, or in any

poſt or garriſon, the ſecond officer in command, or the aſſiſtant military agent, ſhall immediately ſecure all his effects, or equipage then in camp or quarters, and ſhall make an inventory thereof, and forthwith tranſmit the ſame to the office of the Department of War, to the end, that his executors or adminiſtrators may receive the ſame.

ART 95. When any non-commiſſioned officer, or ſoldier, ſhall die, or be killed in the ſervice of the United States, the then commanding officer of the troop, or company, ſhall in the preſence of two other commiſſioned officers, take an account of what effects he died poſſeſſed of, above his arms and accoutrements, and transmit the ſame to the office of the Department of War; which ſaid effects are to be accounted for, and paid to the repreſentatives of ſuch deceaſed non-commiſſioned officer, or ſoldier. And in caſe any of the officers ſo authoriſed to take care of the effects of deceaſed officers and ſoldiers, ſhould, before they have

accounted to their representatives for the same, have occasion to leave the regiment, or post, by preferment, or otherwise, they shall, before they be permitted to quit the same, deposit in the hands of the commanding officer, or of the assistant military agent, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to their respective representatives.

ART. 96. All officers, conductors, gunners, matrosses, drivers, or other persons whatsoever, receiving pay, or hire, in the service of the artillery or corps of engineers of the United States shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

ART. 97. The officers and soldiers of any troops, whether militia or others, being mustered and in pay of the United States, shall, at all times, and in all

places, when joined, or acting in conjunction with the regular forces of the United States, be governed by these rules and articles of war, and shall be subject to be tried by courts-martial, to be composed only of the officers and soldiers of the regular forces, [illegible] that no sentence of death shall be given by less than [illegible] officers.

ART. 98. All officers serving by commission from the authority of any particular state, shall, on all occasions, courts-martial, or other duty, wherein they may be employed in conjunction with the regular forces of the United States, take rank, and receive all orders from the officers of the regular forces, according to the commissions of such officers; but the officers of the militia shall have rank and precedence among themselves according to the commissions of the officers of the militia of the United States.

ART. 99. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and [illegible]

litary discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general or regimental court martial, according to the nature and degree of the offence, and be punished at their discretion.

ART. 100. The President of the United States, shall have power to prescribe the uniform of the army.

ART. [illegible] The foregoing articles are to be read and published once in every [illegible] months, to every garrison, regiment, troop or company, mustered or to be mustered in the service of the United States, and they are duly to observe and obey the same, and all officers and [illegible] who shall in any time hereafter [illegible]

the law and uſage of nations, by ſentence of a general court martial.

SEC. 3. *And be it further enacted*, That the rules and regulations, by which the armies of the United States have heretofore been governed, and the reſolves of Congreſs hereunto annexed, and reſpecting the ſame, ſhall henceforth, be void and of no effect, except ſo far as may relate to any tranſactions under them prior to the promulgation of this act, at the ſeveral poſts and garriſons reſpectively, occupied by any part of the army of the United States.

NATHL. MACON,
Speaker of the Houſe of Repreſentatives.
S. SMITH,
Preſident of the Senate, pro-tempore.

April 10, 1806.

APPROVED,
TH. JEFFERSON